

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Thomas L. Combs, )  
                      )  
Petitioner,       ) Case No. C-1-02-392  
                      )  
vs.                )  
                      )  
James Erwin,       )  
                      )  
Respondent.       )

Order Adopting Report and Recommendation

On August 15, 2003, United States Magistrate Judge Timothy S. Hogan issued a Report and Recommendation in which he recommended that Petitioner's motion to withdraw his petition be granted and that the petition for writ of habeas corpus be dismissed without prejudice. The Magistrate Judge further recommended that Petitioner's motion for default judgment be denied as moot.

Neither party had made objections to the Report and Recommendation within the time allotted. The Court finds no error in the Magistrate Judge's Report and Recommendation. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation. Petitioner's motion to withdraw the petition (Doc. 16) is hereby **GRANTED**. The petition for writ of habeas corpus is **DISMISSED** without prejudice. Petitioner's motion for

default judgment (Doc. 10) is **DENIED** as moot. This action is  
**CLOSED.**

**IT IS SO ORDERED.**

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/s/  
Sandra S. Beckwith  
United States District Judge